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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

JASON CLARE MCBRIDE AND  
REBECCA LYNN MCBRIDE

Case No. 6:10-cv-06015-AA

Plaintiffs

v.

AMENDED COMPLAINT FOR  
VIOLATIONS OF FAIR DEBT  
COLLECTION PRACTICES ACT, and  
TELEPHONE CONSUMER  
PROTECTION ACT

AFFILIATED CREDIT SERVICES,  
INC., a Corporation of Colorado dba  
AFFILIATED CREDIT SERVICES,  
INC., and AFFILIATED CREDIT  
SERVICES

JURY REQUESTED

Defendants

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JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. §1692k(d).
2. This action arises out of Defendants' violations of the Fair Debt Collection Practices

AMENDED COMPLAINT FOR VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES  
ACT, and TELEPHONE CONSUMER PROTECTION ACT

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Act, 15 U.S.C. § 1692 et seq. (“FDCPA”).

3. Venue is proper in this District because the acts and transactions occurred here, Plaintiffs reside here.

#### PARTIES

4. Plaintiff Jason Clare McBride (hereinafter “Plaintiff”) is a natural person who resides in the City of Salem, State of Oregon, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Plaintiff Rebecca Lynn McBride (hereinafter “Plaintiff”) is a natural person who resides in the City of Salem, State of Oregon, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

6. Defendant Affiliated Credit Services, Inc., a Corporation of Colorado dba Affiliated Credit Services, Inc. (hereinafter “ACS Colorado”) operating from an address of 830 E. Platte Avenue, Suite A Fort Morgan, Colorado 80701 is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

7. Defendant Affiliated Credit Services (hereinafter “ACS”) operating from an address of 3055 41<sup>st</sup> Street NW Suite 100 Rochester, Minnesota 55901 is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

#### FACTUAL ALLEGATIONS

8. Beginning in June of 2009 Plaintiffs received multiple automated messages from Defendant ASC Colorado alternatively ASC in an attempt to collect a debt from Plaintiffs.

9. Plaintiff Jason C. McBride is a victim of identity theft and Plaintiffs do not owe any debt assigned, sold, transferred, or referred to Defendant ASC Colorado alternatively ASC.

10. The repeated phone calls from Defendant ASC Colorado alternatively ASC woke Plaintiffs' small children while napping and interfered with Plaintiffs and their children's daily schedules.

11. Each phone call Plaintiffs received was a pre-recorded automated message from either Heather Davis with Affiliated Credit Services or Evan Michaels with Affiliated Credit Services. The phone calls claimed that by listening to the message further Plaintiffs were acknowledging they were Jason C. McBride. The messages further claimed it was in an attempt to collect a debt and Plaintiffs needed to contact Affiliated Credit Services directly regarding an important business matter.

12. As a direct and proximate result of Defendant ASC Colorado alternatively ASC's actions Plaintiffs have suffered actual damages in the form of emotional distress, anger, anxiety, worry, frustration, among other negative emotions.

#### TRIAL BY JURY

13. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

#### CAUSES OF ACTION

##### COUNT I.

#### VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

14. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

15. The foregoing acts and omissions of defendant constitute numerous and multiple  
AMENDED COMPLAINT FOR VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES  
ACT, and TELEPHONE CONSUMER PROTECTION ACT

violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692d, 1692e, 1692e(2)A, 1692f.

16. As a result of defendant's violations of the FDCPA, plaintiffs are entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

## COUNT II

### TELEPHONE CONSUMER PROTECTION ACT

#### 47 U.S.C. § 227

17. Plaintiffs incorporate by reference all of the paragraphs of this Complaint as though fully stated herein.

18. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the TCPA, 47 U.S.C. § 227(b)(1), (2), and (3).

19. As a result of Defendant's violations Plaintiffs are entitled to an order enjoining Defendant from further violations of the TCPA, and the greater of actual damages or \$500 in statutory damages for each violation. Because, as alleged, Defendant had full knowledge that its phone calls to Plaintiffs were improper and illegal, Defendant's violations of the TCPA are willful or knowing and, thus, Plaintiffs are entitled to three times the amount of any damages awarded.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered against Defendants for:

## COUNT I.

### VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

#### 15 U.S.C. § 1692 *et seq.*

AMENDED COMPLAINT FOR VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT, and TELEPHONE CONSUMER PROTECTION ACT

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each and every defendant;

for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each and every defendant;

for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against each and every defendant;

## COUNT II

### TELEPHONE CONSUMER PROTECTION ACT

47 U.S.C. § 227 *et seq.*

for an order enjoining Defendant from violating the TCPA pursuant to 47 U.S.C. § 227(b)(3)(A);

for an award of the greater of actual damages or \$500 per violation for the TCPA, pursuant to 47 U.S.C. § 227(b)(3)(B);

for an order finding that Defendant's violation of the TCPA was willful and knowing;

for an award of treble damages under the TCPA, 47 U.S.C. § 227(b)(3); and such other and further relief as the Court deems just and proper.

DATED: April 29, 2010

/s/ Keith D. Karnes  
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Attorney for Plaintiffs